

Introduced by Senator Liu

February 19, 2010

An act to amend Section 18926 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1322, as introduced, Liu. Food Stamp Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as the Food Stamp program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law requires all food stamp recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

Existing law requires the State Department of Social Services, to the extent permitted by federal law, to annually seek a federal waiver of the existing SNAP limitation that stipulates that an able-bodied adult without dependents (ABAWD) participant is limited to three months of food stamps in a 3-year period unless that participant has met the work participation requirement. Under existing law, a county is required to be included in the waiver unless the county declines to participate, as specified.

This bill would require a county to screen work registrants to determine whether they will participate in, or be deferred from, the FSET program. The bill would establish various categories of individuals who are deferred from mandatory participation in FSET.

This bill, to the extent permitted by federal law, would require that when an individual is sanctioned for failing to comply with the work requirements of the CalWORKs program, or certain other public social services programs, that the individual would not receive a food stamp sanction.

By increasing the duties of counties administering the Food Stamp program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18926 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 18926. (a) To the extent permitted by federal law, the
- 4 department shall annually seek a federal waiver of the existing
- 5 Food Stamp Program limitation that stipulates that an able-bodied
- 6 adult without dependents (ABAWD) participant is limited to three
- 7 months of food stamps in a three-year period unless that participant
- 8 has met the work participation requirement.
- 9 (b) All eligible counties shall be included in and bound by this
- 10 waiver unless a county declines to participate in the waiver request.
- 11 If a county declines, the county shall submit documentation from
- 12 the board of supervisors of that county to that effect.
- 13 (c) *The county shall screen work registrants to determine*
- 14 *whether they will participate in, or be deferred from, the Food*
- 15 *Stamp Employment and Training (FSET) program. Persons who*
- 16 *are registered for work and are not deferred under FSET are*
- 17 *considered mandatory participants.*
- 18 (d) *The following individuals shall be deferred from mandatory*
- 19 *participation in the FSET program until the county determines*
- 20 *that the situation precluding FSET participation no longer exists:*

1 *(1) An individual who resides in a federally approved*
2 *geographically excluded area or federally determined work surplus*
3 *area.*

4 *(2) An individual who is participating in a substitute program*
5 *described in Section 63-407.23 of Title 22 of the California Code*
6 *of Regulations, that has participation requirements that exceed*
7 *those contained in the FSET program.*

8 *(3) An individual who is unable to participate due to personal*
9 *circumstances, including, but not limited to, any of the following:*

10 *(A) A lack of dependent care, as defined in subdivision (j) of*
11 *Section 63-408.41 of Title 22 of the California Code of Regulations.*
12 *This includes situations in which dependent care costs exceed the*
13 *maximum allowable dependent care deduction per month per*
14 *dependent.*

15 *(B) A lack of transportation, which is defined as private or*
16 *public transportation that is not available at reasonable times on*
17 *a regular basis, or monthly transportation costs plus other costs,*
18 *excluding dependent care costs, that exceed the amounts*
19 *determined in Section 63-407.831 of Title 22 of the California*
20 *Code of Regulations.*

21 *(C) The individual lives an unreasonable distance from the*
22 *FSET program site.*

23 *(D) The individual has a severe family crisis.*

24 *(E) The individual temporarily has been laid off from his or her*
25 *job and is expected to return to work within 60 days.*

26 *(F) The individual is involved in legal difficulties, such as*
27 *court-mandated appearances, that preclude his or her*
28 *participation.*

29 *(G) The individual has a temporary illness or disability.*

30 *(e) To the extent permitted by federal law, when an individual*
31 *is sanctioned for failing to comply with the work requirements of*
32 *the CalWORKs program, unemployment compensation, substitute*
33 *programs, general assistance, or CalWORKs unpaid community*
34 *service and work experience, the individual shall not receive a*
35 *food stamp sanction.*

36 ~~(e)~~

37 *(f) Notwithstanding the rulemaking provisions of the*
38 *Administrative Procedure Act (Chapter 3.5 (commencing with*
39 *Section 11340) of Part 1 of Division 2 of the Government Code)*

1 the department may implement this section by all county letters
2 or similar instructions.

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.